

FACTS

3. At least since August, 2008, Casiano has held herself out as a Notary Public, or “Notario Publico” in Spanish.
4. Notario Publico is the title given to specialized attorneys in some Latin American countries, including Mexico.
5. At least since August, 2008, Casiano has advised clients regarding procedures for requesting certain statuses from United States Citizenship and Immigration Services (hereinafter “USCIS”).
6. At least since August, 2008, Casiano’s services have included selecting appropriate USCIS forms and assisting in their preparation and completion for submission.
7. Casiano does not have a license to practice law, nor are any attorneys employed by her or Caring Hearts. Moreover, she does not possess any specialized certification or training to assist clients with immigration services.
8. Casiano represents herself to clients as an “assistant to an attorney” when no such relationship exists.
9. Defendant represented herself to be a “Notario Publico” intending that Mexican nationals would believe her to have the qualifications and expertise of a Notario Publico with specialized legal training and education.
10. Casiano accepted payment and provided immigration services, including selecting and completing U.S. Citizenship and Immigration Services forms for the following consumers: Demetrio Reyes-Estrada of Goshen, Indiana, and Irma Y. Figueroa of Indianapolis, Indiana.

11. The Indiana Supreme Court, in *State v. Diaz*, 838 N.E.2d 433, 448 (Ind. 2005), held that selecting immigration forms and advising clients on how to fill out selected immigration forms, as well as advising consumers regarding their immigration status is the practice of law which requires a license under Ind. Code § 33-43-2-1.

COUNT I: VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT

11. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1 through 10 of this complaint.

12. The promises to assist in the completion and filing of USCIS immigration forms in conjunction with consumer payments made by Defendant are consumer transactions as defined by Ind. Code § 24-5-0.5-2(a)(1).

13. Defendant is a supplier as defined by Ind. Code § 24-5-0.5-2(a)(3).

14. Defendant's representation as an assistant to an attorney implied an affiliation in the consumer transaction with Defendant did not have, in violation of Ind. Code § 24-5-0.5-3(a)(7).

15. Defendant engaged in a consumer transaction to provide USCIS form completion and filing services without obtaining the required license to practice law in violation of Ind. Code § 24-5-0.5-10, which constitutes a deceptive act under Ind. Code §24-5-0.5-2.

COUNT II: KNOWING AND INTENTIONAL VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT

16. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-15 of this complaint.

17. The misrepresentations and deceptive acts set forth in Paragraphs 14 and 15 above were committed by Defendant with knowledge and intent to deceive.

RELIEF

WHEREFORE, the Plaintiff, State of Indiana, requests the Court enter judgment against Defendant Evelyne O. Casiano, individually and doing business as United Hispanic Caring Hearts, permanently enjoining Defendant from any actions constituting the practice of law, including, but not limited to:

- a. Advising consumers regarding USCIS procedures and policies.
- b. Preparing, completing, and/or submitting USCIS forms on behalf of consumers.
- c. Accepting payment for services requiring the assistance of an attorney or a certified immigration specialist without obtaining a license to practice law or the appropriate certification.

AND WHEREFORE, the Plaintiff, State of Indiana, further requests the Court enter judgment against the Defendant for the following relief:

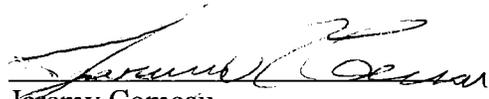
- a. Consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), for reimbursement of all unlawfully obtained funds remitted by consumers to the Defendant for immigration services, including, but not limited to the consumers identified in Paragraph 10.
- b. Costs pursuant to Ind. Code §24-5-0.5-4(c)(3), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action;

- c. Order the Defendant to make payment of the money unlawfully received from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers pursuant to Ind. Code §24-5-0.5-4(c)(2);
- d. Civil penalties pursuant to Ind. Code §24-5-0.5-4(g) for the Defendant's knowing violations of the Deceptive Consumer Sales Act, in an amount up to \$5,000.00 per violation, payable to the State of Indiana;
- e. Civil penalties pursuant to Ind. Code §24-5-0.5-8 for the Defendant's intentional violations of the Deceptive Consumer Sales Act, in an amount up to \$500.00 per violation, payable to the State of Indiana; and
- f. All other just and proper relief.

Respectfully submitted,

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